

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MELVIN PARKER,

Plaintiff,

v.

N. WEST,

Defendant.

2:22-cv-2015 CSK P

**~~PROPOSED~~ ORDER AND REVISED
SCHEDULING ORDER**

Plaintiff is a state prisoner proceeding pro se. On April 17, 2025, defendant filed a third motion to modify the discovery and scheduling order in light of continued difficulties in scheduling the deposition of inmate witness Durrell Puckett. (ECF No. 68.) As discussed below, defendant's motion is granted.

Governing Standards

"The district court is given broad discretion in supervising the pretrial phase of litigation." Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 607 (9th Cir. 1992) (citation and internal quotation marks omitted). Rule 16(b) provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). "The schedule may be modified 'if it cannot reasonably be met despite the diligence of the party seeking the extension.'"

Zivkovic v. Southern California Edison Co., 302 F.3d 1080, 1087 (9th Cir. 2002) (quoting Johnson, 975 F.2d at 607).

Discussion


The initial discovery and scheduling order (ECF No. 55) has been modified twice. (ECF Nos. 60, 63.) On December 26, 2024, discovery was reopened for the limited purpose of deposing Mr. Puckett, and the pretrial motions deadline was stayed. (ECF No. 63.)

In addition to the usual difficulties involved in coordinating a deposition of an inmate with the attendance of another inmate at a different prison, defendant has provided evidence of continued difficulties in scheduling Mr. Puckett's deposition due to Mr. Puckett's frequent transfers to different prisons. (ECF No. 68-1 at 6.) The Court finds that defendant has diligently attempted to schedule Mr. Puckett's deposition and has shown good cause for this third extension of the discovery deadline.

ORDER

Good cause appearing, IT IS HEREBY ORDERED that defendant's motion (ECF No. 68) to modify the discovery and scheduling orders (ECF Nos. 55, 60, 63) is granted. Defendant is granted a forty-day extension of time to depose incarcerated witness Durrell Puckett and file any necessary motion to compel his compliance with a subpoena, up to and including May 28, 2025. No other deadlines are affected by this order.

Dated: 04/18/25



CHI SOO KIM
UNITED STATES MAGISTRATE JUDGE

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